HONOURABLE SRI JUSTICE K.C. BHANU

W.P.No.19489 of 2005

Dated 2nd September, 2005

Between:

M. Jayamma, W/o.Ramasubbanna,

Hindu, aged about 35 years,

Chapirevula village, Nandyal Mandal,

Kurnool District. .. Petitioner

And

The Collector & District Magistrate,

Kurnool, and two others .. Respondents

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W.P.No.19489 of 2005

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the 1st respondent in issuing proceedings in Rc.CS2/296/05, dated 9.8.2005 as illegal and arbitrary.

The learned counsel for the petitioners has contended that without following the guidelines issued by the Government, the impugned proceedings were issued bifurcating the two existing Fair Price Shops. Therefore, he prays to allow the writ petition.

On the other hand, the learned Government Pleader for Civil Supplies has relied upon a decision reported in ***The District Collector and another Vs. B. Suresh*** and stated that no right of the petitioners has been infringed. Therefore, the writ petition is liable to be dismissed.

By virtue of the impugned proceedings, the Collector and District Magistrate sanctioned an additional Fair Price Shop after duly bifurcating the existing two Fair Price Shops at Chapirevula village. The contention of the learned counsel for the petitioners is that the impugned proceedings prescribing minimum cards to the Fair Price Shops, are contrary to the Government Memo No.148/Cs.I/9G-1, dated 22.1.1999, but in the decision relied upon by the learned Government Pleader for Civil Supplies, it is held to the following effect:

> *"The Government as a policy decision decided to reduce the number of cards per dealer. Such decision does not affect the rights, if any of the Fair Price Shop Dealers and as such the High Court was in error to hold that they were to be given any notice prior to the impugned decision of the State Government."*

It is clear from the referred judgment that number of cards per dealer have been reduced to a minimum by the Government and that does not confer any right on the petitioner so as to challenge the impugned proceedings of the 1st respondent-Collector and District Magistrate. Therefore, in the absence of any violation of legal or statutory right, this writ petition is devoid of merits.

Hence, the writ petition is dismissed. No order as to costs.

02.09.2005

bcj